

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

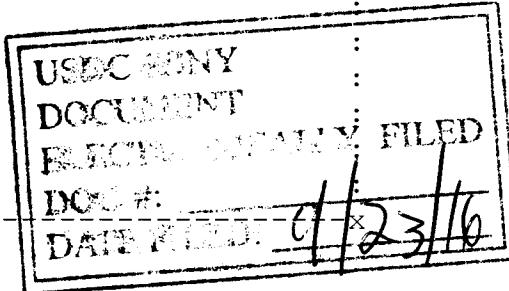
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SERGEY LEONTIEV, :
: :
Plaintiff, : 16 Civ. 3595 (JSR)

-v-

ALEXANDER VARSHAVSKY,

Defendant.

JED S. RAKOFF, U.S.D.J.



Before the Court is plaintiff Sergey Leontiev's motion for judgment on the pleadings on his first cause of action for a declaratory judgment. A hearing was held on this motion on September 21, 2016. At the hearing, it appeared that Leontiev effectively narrowed the instant motion to a claim he was entitled on the pleadings to a declaration that he personally (as opposed to vicariously) does not owe a debt to defendant Alexander Varshavsky personally (as opposed to vicariously). It also appears that this limited assertion is not seriously contested. Nonetheless, since it was not totally clear from the colloquy that this was uncontested, and since, in any event, it was likewise left somewhat unclear whether plaintiff was seeking broader relief on this motion, the Court has considered the full motion de novo. But, having done so, the Court denies the motion in its entirety. A memorandum setting forth the reasons for this denial will issue in due course.

At the hearing, the parties also presented the Court with an application by defendant to compel plaintiff to produce documents relating to the so-called "Cloud Entities," i.e., the entities identified in Paragraph 13 of defendant's amended answer. See ECF No. 27. Upon review, the Court rejects plaintiff's position that Cypriot veil-piercing law renders these entities irrelevant. Defendant's application to take discovery relating to the Cloud Entities is thereby granted, but only to the extent that plaintiff is ordered to produce documents in response to the requests numbered 8, 12-18, and 29 in defendant's first request for production dated July 1, 2016. Defendant's application to compel plaintiff to produce documents in response to the request numbered 11, as narrowed by the parties through the meet and confer process, is also granted. The Court also confirms its ruling from the bench granting defendant's application to compel plaintiff to produce documents relating to Leontiev's trading activities, but only to the extent that they relate to the borrowed funds. As indicated at the conference, the foregoing rulings are without prejudice to defendant's applying to take further discovery on these subjects in the future on an appropriate showing.

The Court also confirms its ruling from the bench that defendant's first set of interrogatories to plaintiff is struck in its entirety. Defendant may, however, serve fresh interrogatories conforming to Local Rule 33.3(a) by no later than September 28, 2016.

The Clerk of the Court is directed to close the motion at docket number 22.

SO ORDERED.

Dated: New York, NY
September 22, 2016



JED S. RAKOFF, U.S.D.J.